

Remarks

Applicant has reviewed the Office Action dated as mailed March 20, 2007, and the documents cited therewith. After the above amendments have been made, the present application contains claims 1-7, 9-51, 53-73, 75-90, 92-100, 103-114, 132, and 134-141. Claims 1, 3, 9, 10, 21, 24, 34, 35, 40, 45, 48, 53, 55, 56, 62, 65, 73, 90, 100, 103, 108, 132, and 134-141 have been amended. Claims 8, 52, 74, 91, 101, 102, 115-131, and 133 have been canceled.

Election/Restriction

In the Office Action, the claims were restricted to one of the following inventions:

- I. Claims 115-132, drawn to a method to deter unauthorized access, classified in class 726, subclass 28.
- II. Claims 1-114, and 132-141, drawn to a method of presentation integrity, classified in class 726, subclass.

Group II (claims 1-114 and 132-141) were orally accepted for examination. This election is confirmed and Group I (claims 115-132) have been canceled without prejudice with regarding to filing a divisional application.

Claim Rejections – 35 USC § 101

Claims 1-4, 8-26, 30-39, 62-72, and 132-141 were rejected under 35 U.S.C. §101 as reciting a software program *per se* which is non-statutory subject matter. This rejection is respectfully traversed. Claim 1 has been amended to recite: “an encrypter embodied in a data processing device” and “a formatter embodied in another data processing device”. Claim 21 has been amended to recite: “a formatter embodied in a data processing device”. Claim 34 has been amended to recite: “an encrypter embodied in a data processing device...a decrypter embodied in another data processing device... and a formatter embodied in the other data processing device...” Claim 62 has been amended to recite: “an electronically-readable medium having encoded thereon data structures...” Claim 132 has been amended to recite: “a computer-readable medium encoded with computer-executable instructions for performing a method...” And claims 134-141 have been amended in a similar fashion.

M.P.E.P. §2106.01 I., second paragraph indicates that a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized and is thus statutory under *In re Lowry*, 32 F.3d at 1583-84, 32 U.S.P.Q. 2d at 1035 (Fed. Cir. 2004). Applicant respectfully submits that independent claims 1, 21, and 34 as amended recite the encryptor, formatter, and decryptor (claim 34) as elements of a computer or data processing device which defines structural and functional interrelationships between the computer program or software which permit the computer program's functionality to be realized and is therefore statutory pursuant to M.P.E.P. §2106.01 I.

Additionally, paragraph [0020] at line 20 recites that the encryptor 102 may be embodied in software, firmware, hardware or the like to perform encryption. Paragraph [0023] in line 6 recites that the formatter 130 may be embodied in software, firmware or hardware.

For all of the reasons discussed above, claims 1-4, 8-26, 30-39 and 62-72 are respectfully submitted to recite statutory subject matter under M.P.E.P. §2106.01 I., and reconsideration and withdrawal of the 35 U.S.C. §101 rejection of these claims is respectfully requested.

With regard to the 35 U.S.C. §101 rejection of claims 132-41, as previously discussed, these claims have been amended to recite a computer-readable medium encoded with computer-executable instructions. As also discussed above, M.P.E.P. §2106.01 I. states that a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized and is thus statutory. Therefore, Applicant respectfully submits that claims 132-141 as amended recite statutory subject matter. Reconsideration and withdrawal of the 35 U.S.C. §101 rejection of claims 132-141 is respectfully solicited.

Claim Rejections – 35 USC § 102

Claims 1-14, 34-36, 73-76, and 78-85 were rejected under 35 U.S.C. §102(e) based on foreign priority as being anticipated by U.S. Patent Pub. No. 2004/0225891 to Kang et

al. (hereinafter “Kang”). This rejection is respectfully traversed. Turning initially to the rejection of independent claim 1 under 35 U.S.C. §102(e) as being anticipated by Kang, claim 1 has been amended to recite:

“a formatter embodied in another data processing device to decrypt the encrypted formatting data and to format the information content data in a predetermined format based on the decrypted formatting data, wherein the information content data is capable of being presented in a format other than the predetermined format at different requesters or clients, and wherein the formatting data is encrypted and decrypted in response to at least one key or password to prevent the associated information content data from being presented in the format other than the predetermined format at each requester or client to provide presentation integrity between the different requesters or clients.”

In contrast, Kang in paragraph [0087]beginning at line 6 recites:

“Protocol format encoder 30 generates the copyright protection protocol format containing the encrypted digital information, together with a header including the information necessary for encrypting and decrypting the digital information. Protocol format decoder 31 decrypts and replays the encrypted digital information received in the copyright protection protocol format from protocol format encoder 31, in accordance with the header information from the protection protocol format.”

Thus, Kang is concerned with copyright protection of the digital information and Kang does not teach or suggest that the formatting data is encrypted and decrypted to prevent the associated information content data from being presented in a format other than the predetermined format at each requestor or client to provide presentation integrity between the different requestors or clients as provided by the present invention in amended claim 1.

Additionally, Kang in paragraph [0096] teaches:

“FIG. 14 illustrates the format of an unencrypted header field suitable for the header fields of the alternatives shown by FIGS. 12 and 13. The unencrypted header field may be arranged with a copyright library version field, a digital conversion format field for indicating the type of the digital conversion format, a key generation algorithm field for indicating the information on the key generation algorithm... The digital conversion format field shows which conversion technique was used to convert the digital content into the digital signal. Typical examples of the conversion method are MP3 and AAC.”

Accordingly, Kang teaches that the digital conversion format field is in an unencrypted header field. Thus, Kang teaches away from the present invention. Additionally, the digital conversion format field in Kang is the conversion technique to convert the digital content into the digital signal. Applicant respectfully submits that once the digital content is converted into a particular digital format, such as MP3 or AAC, as taught by Kang, the signal is only capable of presenting the digital content in that format which is distinguishable from the present invention where the information content data may be presented in different formats to different requestors or clients but is prevented from being presented in a format other than the predetermined format by encrypting the formatting data and decrypting the formatting data in response to the at least one key or password as provided by the embodiment of the present invention recited in claim 1.

Furthermore, referring to Figure 19 of Kang, Kang in paragraphs [0103] – [0106] teaches an unencrypted header field and an encrypted header field. In the last sentence of paragraph [0105] Kang indicates that following the step of S240, the encrypted header information is generated in step S250. In paragraph [0106] Kang recites the following with respect to the information that is included in the encrypted header information:

“The header information includes information necessary for encryption of the digital content such as size of the encrypted block, encryption period and encrypted frame unit, etc. The header information is also generated to include the hash value by applying the whole header to the hash algorithm, with which value the change of header information can be determined. The header information generated at the step of S250 is encrypted (S260) and then the information on the encrypted header and the size of the encrypted header is added to the header (S270), so that generated is the header added to the front end of the encrypted digital content transmitted to the user (*sic*).”

Thus, as indicated by paragraph [0096] recited previously and paragraphs [0103] - [0106], Kang does not teach or suggest that formatting data for formatting information content data in a predetermined format is contained in the encrypted header field.

For all of the reasons discussed above, Applicant respectfully submits that claim 1 as amended is patentably distinguishable over Kang, and reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claim 1 is respectfully requested.

Regarding the rejection of independent claims 21, 34, 40, 48, 55, 62, 73, 90, 100, 132, and 138 have been amended to recite similar features to independent claim 1. Therefore, these claims are submitted to be patentably distinguishable over Kang for the same reasons as discussed with respect to independent claim 1. Reconsideration and withdrawal of the Section 102 rejection of these claims is, therefore, solicited.

Regarding the rejection of claims 2-14 under 35 U.S.C. §102(e) as being anticipated by Kang, these claims recite additional features which further patentably distinguish over Kang. For example, claim 3 has been amended to recite:

“wherein the formatter formats the information content data into one of a plurality of predetermined formats, each predetermined format corresponding to a different version of the information content data for presentation to different receivers or audiences, each predetermined format being associated with a different key, wherein the formatting data is decryptable to provide a selected one of the predetermined formats when applied to the information content data in response to applying the key associated with the selected predetermined format to the formatter, wherein the information content data is distributable in one form or medium for all audiences or receivers and which version is presented is controlled by entering an appropriate key corresponding to the version for a particular audience or receiver.”

As previously discussed, Kang in paragraph [0096] teaches an unencrypted header field including a key generation algorithm field for indicating the information on the key generation algorithm. Applicant respectfully submits that the unencrypted header field taught by Kang in paragraph [0096] teaches away from the present invention. Additionally, the key generation algorithm field is for encrypting the digital content of Kang not the formatting data as provided by the embodiment of the present invention as recited in amended claim 3. Further, Kang does not teach or suggest that each predetermined format of a plurality of predetermined formats is associated with a different key to control which version of the information content data is presented to a particular audience as provided in claim 3 as amended. For all of these reasons, claim 3 is respectfully submitted to be patentably distinguishable over Kang.

Claims 2-14 also depend either directly or indirectly from independent claim 1. Because of this dependency, claims 2-14 contain all of the features of independent claim 1. Therefore,

claims 2-14 are also submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of claims 2-14 is respectfully requested.

Turning now to the rejection of claims 22-27 and 31-33 under 35 U.S.C. §102(e) as being anticipated by Kang, these claims recite additional features which further patentably distinguish over Kang. For example, claim 23 recites:

“wherein the formatter formats the information content data into one of a plurality of predetermined formats, each predetermined format being associated with a different key, wherein the formatting data is decryptable to provide a selected one of the predetermined formats when applied to the information content data in response to applying the key associated with the selected predetermined format to the formatter.”

As another example, claim 24 has been amended to recite:

“wherein each predetermined format provides a different version of the information content data for presentation, wherein the information content data is distributable in one form or medium for all audiences or receivers and which version is presented is controlled by entering an appropriate key corresponding to the version for a particular audience or receiver.”

As previously discussed, Kang does not teach or suggest these features of the present invention. Additionally, claims 22-27 and 31-33 depend either directly or indirectly from independent claim 21, and by virtue of that dependency, contain all of the features of independent claim 21. Therefore, claims 22-27 and 31-33 are respectfully submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully requested.

Regarding the rejection of claims 35 and 36 under 35 U.S.C. §102(e) as being anticipated by Kang, claim 35 has been amended to recite similar features to dependent claim 3. Additionally, claims 35 and 36 depend directly from independent claim 34. As a result of that dependency, claims 35 and 36 include all of the features of independent claim 34. Therefore, claims 35 and 36 are also submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the Section 102 rejection of claims 35 and 36 is respectfully requested.

Turning now to the rejection of claims 41 and 45-47, claim 45 has been amended to recite similar features to dependent claim 3. Additionally, claims 41 and 45-47 depend directly from independent claim 40. Because of this dependency, claims 41 and 45-47 include all of the features of independent claim 41. Therefore, claims 41 and 45-47 are submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully solicited.

Regarding the rejection of claims 49 and 53-54, these claims depend either directly or indirectly from independent claim 48. Because of this dependency, claims 49, 53 and 54 include all of the features of independent claim 48. Thus, these claims are submitted to be patentably distinguishable over Kang for the same reasons as discussed with respect to claim 48, and reconsideration and withdrawal of the Section 102 rejection of claims 49, 53, and 54 is respectfully requested.

Turning now to the rejection of claims 56-60 under 35 U.S.C. §102 as being anticipated by Kang, claim 56 has been amended to recite similar features to claim 3. Additionally, claims 56-60 depend either directly or indirectly from independent claim 55, and by virtue of that dependency, contain all of the features of independent claim 55. As previously discussed, claim 55 has been amended to patentably distinguish over Kang. Therefore, claims 56-60 are also submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of claims 56-60 is respectfully solicited.

With respect to the rejection of claims 63-73, these claims recite additional features which further patentably distinguish over Kang. For example, claim 65 has been amended to recite similar features to claim 3 as previously discussed. Additionally, claims 63-72 depend either directly or indirectly from independent claim 62. As previously discussed, claim 62 has been amended to patentably distinguish over Kang. Accordingly, claims 63-72 are submitted to also be patentably distinguishable over Kang. Reconsideration and withdrawal of the Section 102 rejection of claims 63-72 is respectfully requested.

Turning now to the rejection of claims 75, 76, and 78-85, these claims depend either directly or indirectly from independent claim 73. Because of this dependency, claims 75, 76, and 78-85 include all of the features of independent claim 73. As previously discussed, claim 73 as

amended patentably distinguishes over Kang. Accordingly, claims 75, 76, and 78-85 are submitted to also be patentably distinguishable over Kang. Therefore, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of these claims is respectfully solicited.

With respect to the rejection of claims 90, 92-94 under 35 U.S.C. §102, these claims depend either directly or indirectly from independent claim 90 and therefore, include all of the features of claim 90. Claim 90 has been amended to patentably distinguish over Kang. Therefore, claims 92-94 are also submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the Section 102 rejection of claims 92-94 is respectfully solicited.

Regarding the rejection of claims 103-107, these claims recite additional features which further patentably distinguish over Kang. For example, claim 103 has been amended to recite similar features to claim 3. Additionally, claims 103 -107 depend either directly or indirectly from independent claim 100. As previously discussed, claim 100 has been amended to patentably distinguish over Kang. Therefore, claims 103-107 are respectfully submitted to also be patentably distinguishable over Kang. Reconsideration and withdrawal of the Section 102 rejection of claims 103-107 is respectfully solicited.

Applicant does not find any grounds for the rejection of independent claim 108 in the Office Action. Claim 108 recites:

“formatting the associated information content data in one of a plurality of predetermined formats based on the decrypted formatting data, each predetermined format corresponding to a different version of the information content data for presentation to different receivers or audiences, wherein the information content data is distributable in one form or medium for all audiences or receivers and which version is presented is controlled by entering an appropriate key corresponding to the version for a particular audience or receiver.”

Applicant respectfully submits that Kang does not teach or suggest the features of the embodiment of the present invention as recited in claim 108. Applicant respectfully submits that claim 108 is patentably distinguishable over Kang and the other cited documents in the Office Action. Allowance of claim 108 is, therefore, respectfully solicited.

With respect to the rejection of claims 109, 110, and 112-114 under 35 U.S.C. §102 as being anticipated by Kang, these claims recite additional features which further patentably distinguish over Kang. Additionally, these claims depend either directly or indirectly from independent claim 108, and by virtue of that dependency, contain all of the features of independent claim 108. As previously discussed, claim 108 is patentably distinguishable over Kang. Therefore, claims 109, 110, and 112-114 are also submitted to be patentably distinguishable over Kang, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully solicited.

Turning now to the rejection of claims 134-137 and 139-141, claims 134-137 depend either directly or indirectly from independent claim 132, and claims 139-141 depend either directly or indirectly from independent claim 138. Because of these dependencies, claims 134-137 and 139-141 include all of the features of their respective referenced independent claim. As previously discussed, independent claims 132 and 138 have been amended to patentably distinguish over Kang. Therefore, claims 134-137 and 138-141 are also submitted to be patentably distinguishable over Kang. Reconsideration and withdrawal of the 35 U.S.C. §102 rejection of these claims is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 15-20, 37-39, 50-51, 61, 86-89, and 95-99 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kang in view of U.S. Patent Pub. No. 2003/02295292 to Mui et al. (hereinafter “Mui”). This rejection is respectfully traversed. Applicant respectfully submits that this rejection under 35 U.S.C. §103 is improper under M.P.E.P. §706.02(j). M.P.E.P. §706.02(j) states:

“After indicating that the rejection is under 35 U.S.C. §103, the examiner should set forth in the Office Action: . . . (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification . . . The teaching or suggestion to make the claimed combination and the reasonable expectation of the success must both be found in the prior art and not based on

applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991). (*emphasis added*)

Applicant respectfully submits that there is no teaching in the Office Action how Kang would be modified by Mui in order to provide the present invention as recited in the claims. Even if the rejection under 35 U.S.C. §103 were proper, Kang and Mui still would not provide the embodiment of the present invention as recited in the claims. Claims 15-20 depend either directly or indirectly from independent claim 1; claims 37-39 depend either directly or indirectly from independent claim 34; claims 50-51 depend indirectly from independent claim 48; claim 61 depends directly from independent claim 55; claims 86-89 depend directly from independent claim 73; and claims 95-99 depend either directly or indirectly from independent claim 90. Applicant respectfully submits that Mui adds nothing to the teachings of Kang so as to render independent claims 1, 34, 48, 55, 73, and 90 unpatentable. Therefore, these claims are submitted to be patentably distinguishable over Kang and Mui, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of these claim is respectfully requested.

Claims 77 and 111 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kang in view of U.S. Patent Pub. No. 2002/0099947 to Evans (hereinafter "Evans"). Applicant respectfully submits that the rejection under Section 103 is improper under M.P.E.P. §706.02(j) because there is no explanation of how the teachings of Kang would be modified by Evans so as to provide the embodiments of the present invention as recited in claims 77 and 111. Additionally, claim 77 depends indirectly from independent claim 73 and claim 111 depends directly from independent claim 108. Because of this dependency, claims 77 and 111 include all of the features of the referenced independent claim and any intermediate claims. Applicant respectfully submits that Evans adds nothing to the teachings of Kang so as to render independent claims 73 and 108 unpatentable. Therefore, claims 77 and 111 are respectfully submitted to be patentably distinguishable over Kang and Evans, and reconsideration and withdrawal of the Section 103 rejection of claims 77 and 111 is respectfully solicited.

Claims 28-30, and 42-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kang in view of U.S. Patent 5,815,809 to Ward et al. (hereinafter "Ward"). This rejection is

respectfully traversed. Claims 28-30 depend either directly or indirectly from independent claim 21 and claims 42-44 depend either directly or indirectly from independent claim 40. Because of these dependencies, these claims contain all of the features of the referenced independent claim and any intermediate claim. Applicant respectfully submits that Ward adds nothing to the teachings of Kang so as to render independent claims 21 and 40 unpatentable. Therefore, claims 28-30 and 40-44 are submitted to be patentably distinguishable over Kang and Ward, and reconsideration and withdrawal of the Section 103 rejection of claims 28-30 and 42-44 is respectfully requested.

Conclusion

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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Date: June 13, 2007

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